

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

DOCUMENTED NY,

*Plaintiff,*

v.

Civil Action No. 20-cv-1946 (AJN)

UNITED STATES DEPARTMENT OF STATE,  
UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, and  
OFFICE OF MANAGEMENT AND BUDGET,

*Defendants.*

-----X

**PLAINTIFF'S MOTION FOR EXPEDITED RELEASE  
OF RESPONSIVE DOCUMENTS**

Ghita Schwarz  
CENTER FOR CONSTITUTIONAL RIGHTS  
666 Broadway, 7<sup>th</sup> Floor  
New York, NY 10012  
Tel: (212) 614-6445  
Fax: (212) 614-6445  
[gschwarz@ccrjustice.org](mailto:gschwarz@ccrjustice.org)

Susan Cameron  
THE LEGAL AID SOCIETY  
199 Water Street  
New York, NY 10038  
Tel: (212) 298-3253  
Fax: (646) 924-3563  
[scameron@legal-aid.org](mailto:scameron@legal-aid.org)

Table of Contents

Table of Authorities ..... iii

Preliminary Statement..... 1

Background..... 1

Argument ..... 4

    I. FOIA Actions Are Especially Appropriate for Expedition.....5

    II. Expedition is Warranted Here.....7

Conclusion .....9

Table of Authorities

<b>Cases</b>	<b>Page(s)</b>
<i>Am. Civil Liberties Union v. Dep't of Defense</i> , 339 F. Supp. 2d 501 (S.D.N.Y. 2004).....	5-6, 8
<i>Brennan Ctr. for Justice at New York University School of Law v.</i> <i>United States Department of State</i> , No. 1:17-cv-07520-PGG (S.D.N.Y. Jan 10, 2018) .....	6
<i>Doe #1 v. Trump</i> , 957 F.3d 1050 (9th Cir. 2020) .....	3
<i>Doe #1 v. Trump</i> , 414 F. Supp. 3d 1307 (D. Or. Nov. 2, 2019) .....	2
<i>Doe #1 v. Trump</i> , 418 F. Supp. 3d 573 (D. Or. Nov. 26, 2019) .....	2-3
<i>Elec. Privacy Info. Ctr. v. Dep't of Justice</i> , 416 F. Supp. 2d 30 (D.D.C. 2006).....	5, 6, 8
<i>Families for Freedom v. United States Customs and Border Patrol</i> , 837 F. Supp. 2d 331 (S.D.N.Y. 2011).....	8
<i>Ferguson v. FBI</i> , 722 F. Supp. 1137 (S.D.N.Y. 1989) .....	4, 5, 6
<i>Fox News Network, LLC v. U.S. Dep't of the Treasury</i> , 739 F. Supp. 2d 515 (S.D.N.Y. 2010) .....	6
<i>Freedom Commc'ns Inc. v. FDIC</i> , 157 F.R.D. 485 (C.D. Cal. 1994) .....	5, 9
<i>Nat. Res. Def. Council v. Dep't of Energy</i> , 191 F. Supp. 2d 41 (D.D.C. 2002) .....	5, 8
<i>Nat'l Archives &amp; Records Admin. v. Favish</i> , 541 U.S. 157 (2004) .....	8
<i>Payne Enters. v. United States</i> , 837 F.2d 486 (D.C. Cir. 1988) .....	5, 8
<i>U.S. Dep't of Justice v. Reporters Comm. for Freedom of the Press</i> , 489 U.S. 749 (1989).....	8

## **Federal Statutes & Regulations** **Page(s)**

5 U.S.C. §552.....	<i>passim</i>
22 C.F.R. § 171.11 .....	3
28 U.S.C. § 1657.....	1, 4, 7

## **Congressional Bills & Reports**

H.R. Rep. No. 985, 98th Cong., 2d Sess. (1984) .....	6, 7
--	------

## **Executive Orders and Presidential Proclamations** **Page(s)**

Presidential Proclamation 9945 .....	<i>passim</i>
Presidential Proclamation Addressing Mass Migration Through the Southern Border of the United States (Nov. 9, 2018).....	2
Proclamation Suspending Entry of Immigrants Who Present Risk to the U.S. Labor Market During the Economic Recovery Following the COVID-19 Outbreak (Apr. 22, 2020) .....	2
Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States (Jan. 27, 2017) .....	2

## **Other Authorities** **Page(s)**

Adam Liptak, <i>Supreme Court Allows Trump’s Wealth Test for Green Cards</i> , New York Times, Jan. 27, 2020 .....	9
Ariana Momtazi-Bushweller, <i>Trump Won’t Let My Grandmother Come to My Graduation</i> , SLATE, Nov. 19, 2019 .....	8
Jamie Parfitt, <i>Oregon Health Authority Says Public Charge rule in ‘Direct Conflict’ with its Mission</i> , ABC News, Jan. 28, 2020.....	9
Joel Rose, <i>How the Trump Administration Uses ‘Workarounds’ to Reshape Legal Immigration</i> , NPR, Oct. 10, 2019 .....	7, 8
Leighton Ku, <i>Assessing the Presidential Proclamation on Visas and Health Insurance</i> , Health Affairs (Dec. 17, 2019) .....	3

Max Siegelbaum, <i>Early Arrival: Appeals Court Leans Against Trump in Public Charge case</i> , Documented NY, Jan. 08, 2020 .....	8
Mazin Sidahmed, <i>Presidential Proclamation Sows Confusion at State Department</i> , Documented NY (Feb. 24, 2020).....	7
Nicole Narea and Alex Ward, <i>Trump’s attempt to quietly cut legal immigration by up to 65 percent</i> , VOX NEWS, Nov. 27, 2019.....	7, 8
Shayna Jacobs, <i>Lawsuit says Trump’s green-card rules show preference for ‘the wealthy and the white’</i> , Washington Post, Dec. 19, 2019.....	8
<i>Supreme Court allows Trump’s ‘public charge’ rule to proceed</i> , The Oregonian, Jan. 28, 2020 .....	9
Ted Hesson & Dan Diamond, <i>Trump moves to suspend visas for uninsured immigrants</i> , Politico (Oct. 4, 2019) .....	2
Ted Hesson and Kristina Cooke, <i>Judge Blocks Trump Rule Requiring Prospective Immigrants Have Health Insurance</i> , Reuters (November 2, 2019) .....	3
Veronica Stracqualursi, <i>Trump Issues Proclamation to Deny Visas to Immigrants who Can’t Pay for Health Care</i> , CNN (October 5, 2019).....	2

### **PRELIMINARY STATEMENT**

Plaintiff Documented NY, a non-profit news site covering New York City’s immigrants and the policies that affect their lives, brings this motion to expedite processing of a request filed eight months ago under the Freedom of Information Act (“FOIA”), 5 U.S.C. §552 *et seq.* Plaintiff’s request sought information on a matter of great public interest: federal agencies’ handling of a Presidential Proclamation barring tens of thousands of immigrants from entering the country for lack of private health insurance. Although Plaintiff filed the request on November 21, 2019 and filed its complaint on March 4, 2020, Defendant Department of State (“DOS”) has yet to produce a single document or even to provide an estimated time frame for producing records.

As a news site with a “compelling need” to share information of urgent interest to the public, Plaintiff is entitled to expedited processing of its request. 5 U.S.C. § 552(a)(6)(E). The FOIA requires federal agencies to begin processing expedited requests within twenty days, and failure to do so gives rise to a presumption of agency delay, which may be rebutted only by evidence that production is not practicable. Defendant has produced no such evidence, and Plaintiff therefore brings this motion to expedite processing of responsive records under the Civil Priorities Act, 28 U.S.C. § 1657, which provides that “court[s] shall expedite the consideration of . . . any [] action if good cause [] is shown.” 28 U.S.C. § 1657(a).

### **BACKGROUND**

As part of a campaign to make radical changes to United States immigration regulations and policies, the Trump Administration, beginning in January 2017, has issued an array of executive orders, proclamations, regulations and policies impacting the immigration system, including proclamations to bar entry to immigrants and refugees from certain predominately

Muslim countries,<sup>1</sup> to alter the rules for seeking asylum,<sup>2</sup> and to suspend the entry of numerous categories of immigrants eligible for lawful permanent resident status.<sup>3</sup>

Presidential Proclamation 9945 (“P.P. 9945” or “the Proclamation”) fits into the pattern of sudden, disruptive changes to longstanding immigration policy that promised chaotic administration at the nation’s borders and generated widespread public interest. The Proclamation, issued on October 4, 2019 and set to go into effect just thirty days later, suspended the entry of any immigrant who could not show that she either a) could obtain private health insurance within 30 days of arrival in the United States; or b) had the financial means to cover any foreseeable medical costs. *See Presidential Proclamation on the Suspension of Entry of Immigrants Who Will Financially Burden the United States Healthcare System*, available at <https://www.whitehouse.gov/presidential-actions/presidential-proclamation-suspension-entry-immigrants-will-financially-burden-united-states-healthcare-system/>.

The issuance of the Proclamation triggered immediate, urgent interest among immigrant communities, giving rise to voluminous press coverage<sup>4</sup> and litigation, with the federal district court of the District of Oregon enjoining the rule from taking effect. *See Doe #1 v. Trump*, 414 F. Supp. 3d 1307 (D. Or. Nov. 2, 2019) (issuing temporary restraining order); 418 F. Supp. 3d 573

---

<sup>1</sup> See *Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States* (Jan. 27, 2017), available at <https://www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states/>.

<sup>2</sup> See *Presidential Proclamation Addressing Mass Migration Through the Southern Border of the United States* (Nov. 9, 2018), available at <https://www.whitehouse.gov/presidential-actions/presidential-proclamation-addressing-mass-migration-southern-border-united-states/>.

<sup>3</sup> See *Proclamation Suspending Entry of Immigrants Who Present Risk to the U.S. Labor Market During the Economic Recovery Following the COVID-19 Outbreak* (Apr. 22, 2020), available at <https://www.whitehouse.gov/presidential-actions/proclamation-suspending-entry-immigrants-present-risk-u-s-labor-market-economic-recovery-following-covid-19-outbreak/>.

<sup>4</sup> See, e.g., Veronica Stracqualursi, *Trump Issues Proclamation to Deny Visas to Immigrants who Can’t Pay for Health Care*, CNN (October 5, 2019), available at <https://www.cnn.com/2019/10/05/politics/trump-immigration-health-care-visas/index.html>; Ted Hesson & Dan Diamond, *Trump moves to suspend visas for uninsured immigrants*, Politico (Oct. 4, 2019), available at <https://www.politico.com/news/2019/10/04/trump-immigrants-health-insurance-proclamation-029705>.

(D. Or. Nov. 26, 2019) (issuing nationwide preliminary injunction); *Doe #1 v. Trump*, 957 F.3d 1050 (9th Cir. 2020) (denying government's motion to stay the injunction). Another lawsuit challenging the Proclamation, as well as changes to the Department of State's public charge rule, was filed on December 19, 2019 in the Southern District of New York. *See Make the Road New York et al. v. Pompeo et al.*, 19-cv-11633 (GBD) (S.D.N.Y.).

Despite the preliminary injunction barring it from going into effect, the Proclamation has caused immense fear and confusion among immigrants and their communities. *See* Ted Hesson and Kristina Cooke, *Judge Blocks Trump Rule Requiring Prospective Immigrants Have Health Insurance*, Reuters (November 2, 2019).<sup>5</sup> With the potential to impact the immigration status of hundreds of thousands of prospective immigrants, it remains a subject of intense public interest.<sup>6</sup>

On November 21, 2020, Plaintiff Documented NY ("Documented") submitted a FOIA request ("Request") to the U.S. Department of State ("DOS"), the Office of Management and Budget ("OMB"), and the Department of Health and Human Services ("HHS"), the federal agencies involved in developing and implementing the Proclamation and accompanying regulations. Plaintiff sought expedited processing pursuant to 22 C.F.R. § 171.11(f)(2), the State Department regulation which entitles FOIA requestors to expedited processing where "the information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal Government activity." *See* FOIA Request, attached as Exhibit 1 to the Complaint (ECF No. 6-1). Defendant DOS acknowledged Plaintiff's FOIA request on December 02, 2019 and denied Plaintiff's request for

---

<sup>5</sup> Available at <https://www.reuters.com/article/us-usa-immigration-healthcare/judge-blocks-trump-rule-requiring-prospective-immigrants-have-health-insurance-idUSKBN1XC0K8>.

<sup>6</sup> Leighton Ku, *Assessing the Presidential Proclamation on Visas and Health Insurance*, Health Affairs (Dec. 17, 2019), available at <https://www.healthaffairs.org/doi/10.1377/hblog20191217.16090/full/>.

expedited processing. (ECF No. 6-2). After Plaintiff appealed Defendant DOS's denial of the expedited processing request on February 7, 2020, DOS affirmed the denial on February 24, 2020. *See* Exhibit 1 to Declaration of Ghita Schwarz ("Schwarz Decl.") With no response to the Request from OMB or HHS, Plaintiff filed suit against all three agencies on March 8, 2020. (ECF No. 6).

While Plaintiff has reached agreement with Defendants HHS and OMB about a rate of production of documents,<sup>7</sup> DOS has neither produced any documents responsive to the Request nor provided Plaintiff with an estimated timeline of when it will begin producing.

Given the urgency of the information sought, the passage of time since Plaintiff's request, and Defendant DOS's failure to propose a workable schedule for production of the documents at issue in this litigation, court intervention is necessary. Because there is ample good cause to expedite Defendant's production, Plaintiff seeks relief from the Court to "assure that [Plaintiff's] right to information [under the FOIA] is not submerged [by] government obfuscation" or delay. *Ferguson v. FBI*, 722 F. Supp. 1137, 1145 (S.D.N.Y. 1989). Plaintiff respectfully requests that this Court order DOS to produce 3000 pages two weeks from the Court's order and 2500 pages each month thereafter.

### **ARGUMENT**

The Civil Priorities Act, 28 U.S.C. § 1657, provides that "court[s] shall expedite the consideration of . . . any [] action if good cause [] is shown." 28 U.S.C. § 1657(a). It further provides that "[g]ood cause' is shown if a right under the Constitution of the United States or a Federal Statute (*including rights under section 552 of title 5[, FOIA]*) would be maintained in a

---

<sup>7</sup> Defendant HHS has made one production to Plaintiff and has represented that it will produce the remainder of documents from its search on July 30, 2020. Since the filing of the parties' joint pre-conference statement to the Court on July 6, 2020 (ECF No. 15), Defendant OMB and Plaintiff have agreed that OMB will produce 300 documents on or before July 30, 2020, 300 documents on or before August 30, 2020, and the remainder of the results of its initial search on or before September 30, 2020.

factual context that indicates that a request for expedited consideration has merit.” *Id.* (emphasis added).

There is good cause for expedition here.

# **I. FOIA Actions Are Especially Appropriate for Expedition.**

As courts in the Southern District of New York have recognized, “[s]peed is an essential element in [the Court’s] process of de novo review under FOIA.” *Ferguson*, 722 F. Supp. at 1144. Expedition is warranted because the FOIA “was intended to provide a means of accountability, to allow Americans to know what their government is doing.” *Am. Civil Liberties Union v. Dep’t of Defense*, 339 F. Supp. 2d 501, 504 (S.D.N.Y. 2004). Further, “[i]n amending FOIA, Congress evinced an increasing concern over the timeliness of disclosure, recognizing that delay in complying with FOIA requests may be ‘tantamount to denial.’” *Id.*, (quoting H. Rep. No. 876, 93d Cong., 2d Sess. (1974)). In view of these principles, Congress made the FOIA the “first among equals” in terms of discretionary expedition by courts — in other words, “worthy of special consideration.” *Freedom Commc’ns Inc. v. FDIC*, 157 F.R.D. 485, 486 (C.D. Cal. 1994).

In line with Congress’s intention, courts have held that “unreasonable delays in disclosing non-exempt documents violate the intent and purpose of the FOIA, and the courts have ‘duty’ to prevent [such] abuses.”” *Elec. Privacy Info. Ctr. v. Dep’t of Justice*, 416 F. Supp. 2d 30, 36 (D.D.C. 2006) (quoting *Payne Enters. v. United States*, 837 F.2d 486, 494 (D.C. Cir. 1988)). Courts protect against such delays in FOIA suits by imposing deadlines on the government to produce responsive documents. Indeed, courts have demanded production on timelines more ambitious than those sought by Plaintiff here. *See, e.g., Nat. Res. Def. Council v. Dep’t of Energy*, 191 F. Supp. 2d 41, 42 (D.D.C. 2002) (finding defendant agency “woefully tardy” for delaying ten months to plaintiff’s FOIA request and ordering production of 7549 pages

within 48 days); *Fox News Network, LLC v. U.S. Dep't of Treasury*, 739 F. Supp. 2d 515, 531 (S.D.N.Y. 2010) (30-day production deadline, with 10,113 pages produced within 72 days); *Elec. Privacy Info. Ctr.*, 416 F. Supp. 2d at 43 (20-day deadline for production or identification of all responsive documents); *Am. Civil Liberties Union*, 339 F. Supp. 2d at 504 (30-day deadline for production and *Vaughn* index); *Ferguson*, 722 F. Supp. at 1144, 1145 (85-day production deadline for years of records and *Vaughn* index).

As the House of Representatives explained in its report on the Civil Priorities Act, expedition is consistent with both the nature of FOIA litigation and the overarching purpose of the Act. Because “most FOIA cases do not involve extended discovery or testimony [.]” FOIA cases need “not burden court dockets for extensive periods of time.” H.R. Rep. No. 985, 98<sup>th</sup> Cong., 2d Sess., at 6 (1984). More fundamentally, FOIA “is a major tool through which the public and the press obtain information about their government,” and “extended delays in court can encourage unjustified refusals to disclose information . . . [and] hamper reporting of governmental activities.” *Id.* at 5-6. Accordingly, “the ‘good cause’ provision [of the Civil Priorities Act should] be liberally construed by the courts in granting requests for expedited consideration under the [FOIA].” *Id.* at 6.

Finally, courts have concluded that a “prima facie showing of agency delay exists when an agency fails to process an expedited FOIA request within the [twenty day] time limit applicable to standard FOIA requests.” *Brennan Ctr. for Justice at New York University School of Law v. United States Dep't of State*, 300 F. Supp. 3d 540, 548-49 (S.D.N.Y. 2018), citing *Elec. Privacy Info. Ctr.*, 416 F. Supp. 2d at 39. An agency may rebut this “presumption of agency delay,” only by “present[ing] credible evidence that disclosure within such time period is truly not practicable.” *Id.*

Here, Plaintiff submitted its FOIA request seeking records related to the Government's Proclamation on November 21, 2019. It has now been nearly eight months since Plaintiff's FOIA request was submitted, and, as in *Brennan Ctr.*, “nothing has been produced. Nor is there any schedule of production. Accordingly, the presumption of agency delay applies.” 300 F. Supp. 3d at 549. Because DOS has yet to produce any evidence demonstrating why it did not meet the twenty-day deadline, much less why it has failed to produce any responsive documents months later, DOS will not be able to demonstrate that a production order is impracticable.

## II. Expedition is Warranted Here.

The “factual context ... indicates that a request for expedited consideration has merit.” 28 U.S.C. § 1657(a). Expedition is clearly appropriate here, given the public interest in the subject matter of this litigation, Plaintiff’s status as a news site covering this subject matter,<sup>8</sup> and the extensive delay thus far. The Proclamation targets immigrants living inside the United States, as well as those who live abroad, with a particularly disproportionate impact on immigrants with low socio-economic backgrounds. See Joel Rose, *How the Trump Administration Uses ‘Workarounds’ to Reshape Legal Immigration*, NPR, Oct. 10, 2019.<sup>9</sup> Experts estimated that implementation of the Proclamation could reduce the number of immigrants admitted to the United States by up to 65 percent. See Nicole Narea and Alex Ward, *Trump’s attempt to quietly cut legal immigration by up to 65 percent*, VOX NEWS, Nov. 27, 2019.<sup>10</sup>

Expedition is warranted because “the public interest in enforcement of the statute is particularly strong.” H. Rep. 98-985, at 6. Plaintiff’s request is a paradigmatic example of what

---

<sup>8</sup> See, e.g., Mazin Sidahmed, *Presidential Proclamation Sows Confusion at State Department*, Documented NY (Feb. 24, 2020), available at <https://documentedny.com/2020/02/24/presidential-proclamation-sows-confusion-within-the-state-department/>.

<sup>9</sup> Available at <https://www.npr.org/2019/10/10/769009449/how-the-trump-administration-uses-workarounds-to-reshape-legal-immigration>

<sup>10</sup> Available at <https://www.vox.com/2019/10/9/20903541/trump-proclamation-legal-immigration-health-insurance>.

the FOIA was designed to promote: “The purpose of FOIA is to find out what our ‘government is up to[,]’ . . . [and t]hat is precisely the purpose of the Plaintiff’s FOIA request.” *Nat. Res. Def. Council*, 191 F. Supp. 2d at 43 (quoting *U.S. Dep’t of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989)).

Further, delay in producing information is “antithetical” to FOIA. *Families for Freedom v. United States Customs and Border Patrol*, 837 F. Supp. 2d 331, 337 (S.D.N.Y. 2011). *See also Elec. Privacy Info. Ctr.*, 416 F. Supp. 2d at 40 (“[P]ublic awareness of the government’s actions is ‘a structural necessity in a real democracy’ . . . so too is *timely* public awareness[,] . . . as ‘stale information is of little value.’” (quoting *Nat’l Archives & Records Admin. v. Favish*, 541 U.S. 157, 172 (2004) & *Payne Enters.*, 837 F.2d at 494)) (emphasis in original).

Widespread media coverage further supports the fact that there is significant and compelling public interest in the Proclamation and any changes to how immigrants obtain admission or permanent lawful status. This includes numerous news and opinion pieces in leading news outlets throughout the country.<sup>11</sup> Indeed, interest in these policies has only grown since Plaintiff submitted its request, as numerous local and national media outlets have reported on the Administration’s changes to its admission policies and the lawsuits these changes have generated.<sup>12</sup> It is paramount that Plaintiff have access to responsive information in order to fulfill its core function of disseminating information about immigration policy to the public.

<sup>11</sup> See Nicole Narea and Alex Ward, *Trump’s attempt to quietly cut legal immigration by up to 65 percent*, VOX NEWS, Nov. 27, 2019, <https://www.vox.com/2019/10/9/20903541/trump-proclamation-legal-immigration-health-insurance>; See Joel Rose, *How the Trump Administration Uses ‘Workarounds’ to Reshape Legal Immigration*, NPR, Oct. 10, 2019, <https://www.npr.org/2019/10/10/769009449/how-the-trump-administration-uses-workarounds-to-reshape-legal-immigration>; See Shayna Jacobs, *Lawsuit says Trump’s green-card rules show preference for ‘the wealthy and the white’*, WASH. POST, Dec. 19, 2019, [https://www.washingtonpost.com/national-security/lawsuit-says-trumps-green-card-rules-show-preference-for-the-wealthy-and-the-white/2019/12/19/b4cd4fae-2226-11ea-bed5-880264cc91a9\\_story.html](https://www.washingtonpost.com/national-security/lawsuit-says-trumps-green-card-rules-show-preference-for-the-wealthy-and-the-white/2019/12/19/b4cd4fae-2226-11ea-bed5-880264cc91a9_story.html); See Ariana Momtazi-Bushweller, *Trump Won’t Let My grandmother Come to My Graduation*, SLATE, nov. 19, 2019, <https://slate.com/news-and-politics/2019/11/trump-proclamation-immigrants-health-insurance-grandmother.html>.

<sup>12</sup> See Max Siegelbaum, *Early Arrival: Appeals Court Leans Against Trump in Public Charge case*, Documented NY, Jan. 08, 2020, <https://documentedny.com/2020/01/08/early-arrival-appeals-court-leans-against>

Accordingly, “Plaintiff’s request is entitled to rapid consideration by the Court and the [government].” *Freedom Commc’ns Inc.*, 157 F.R.D. at 487.

### **CONCLUSION**

For the foregoing reasons, the Court should grant Plaintiff’s motion to expedite and order Defendant to produce to Plaintiff 3000 pages of responsive and reasonably segregable portions of responsive records within two weeks of the Court’s ruling and 2500 pages each month thereafter.

Date: July 16, 2020

Respectfully submitted,

/s/ Ghita Schwarz

Ghita Schwarz

CENTER FOR CONSTITUTIONAL RIGHTS

666 Broadway, 7<sup>th</sup> Floor

New York, NY 10012

Tel: (212) 614-6445

Fax: (212) 614-6445

[gschwarz@ccrjustice.org](mailto:gschwarz@ccrjustice.org)

Susan Cameron

THE LEGAL AID SOCIETY

199 Water Street

New York, NY 10038

Tel: (212) 298-3253

Fax: (646) 924-3563

[scameron@legal-aid.org](mailto:scameron@legal-aid.org)

*Attorneys for Plaintiff*

---

[trump-in-public-charge-case/](#); See Adam Liptak, *Supreme Court Allows Trump’s Wealth Test for Green Cards*, NYTimes, Jan. 27, 2020, <https://www.nytimes.com/2020/01/27/us/supreme-court-trump-green-cards.html>; See Jamie Parfitt, *Oregon Health Authority Says Public Charge rule in ‘Direct Conflict’ with its Mission*, ABC News, Jan. 28, 2020, <https://www.kdrv.com/content/news/Oregon-Health-Authority-says-public-charge-rule-in-direct-conflict-with-its-mission-567376851.html>; See *Supreme Court allows Trump’s ‘public charge’ rule to proceed*, The Oregonian, Jan. 28, 2020, <https://www.oregonlive.com/news/2020/01/supreme-court-allows-trumps-public-charge-rule-to-proceed.html>.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been transmitted via electronic means to all known parties of record by ECF on this 16<sup>th</sup> day of July 2020.

/s/ Ghita Schwarz

Ghita Schwarz

CENTER FOR CONSTITUTIONAL RIGHTS

666 Broadway, 7<sup>th</sup> Floor

New York, NY 10012

Tel: (212) 614-6445

Fax: (212) 614-6445

[gschwarz@ccrjustice.org](mailto:gschwarz@ccrjustice.org)